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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA,	)	No. CR-07-03355 SI
	)	
12 Plaintiff,	)	<b>STIPULATION AND [PROPOSED]</b>
	)	<b>ORDER CONTINUING HEARING ON</b>
13 v.	)	<b>DEFENDANT'S MOTION TO DISMISS</b>
	)	
14 MARTIN SIMON,	)	
	)	
15 Defendant.	)	
_____	)	
16		

17 The parties in this matter are presently scheduled to appear before this Court on  
18 September 7, 2007 for a hearing on the motion to dismiss filed by Mr. Simon on August 10,  
19 2007. The parties are presently engaged in settlement discussions that may preclude the need for  
20 a response to and/or hearing on the motion. To allow those discussions to proceed, the parties  
21 agree and stipulate that the briefing schedule and motions hearing should be postponed by one  
22 week. Specifically, the parties agree and stipulate that the government's opposition to  
23 defendant's motion shall be filed on or before August 31, 2007; that defendant's reply shall be  
24 filed on or before September 7, 2007; and that the hearing presently scheduled for September 7,  
25 2007 shall be continued to September 14, 2007.

26 The parties further agree and stipulate that the time between September 7, 2007 and

1 September 14, 2007 should be excluded under the Speedy Trial Act because Mr. Simon's motion  
2 will be pending before the Court throughout this period. *See* 18 U.S.C. § 3161(h)(1)(F).

3 IT IS SO STIPULATED.

4 Dated: 8/20/07

/s/  
BARRY J. PORTMAN  
Federal Public Defender  
JOSH COHEN  
Assistant Federal Public Defender

7 Dated: 8/20/07

/s/  
SCOTT N. SCHOOLS  
United States Attorney  
ALLISON DANNER  
Assistant United States Attorney

11 **ORDER**

12 Accordingly, and for good cause shown, it is hereby ordered that the motions hearing  
13 presently scheduled for September 7, 2007 shall be continued to September 14, 2007 at 11:00  
14 a.m. The parties shall adhere to the revised briefing schedule set forth above. It is further  
15 ordered that the time between September 7, 2007 and September 14, 2007 shall be excluded  
16 under the Speedy Trial Act as delay resulting from the filing of the pretrial motion to dismiss that  
17 is now pending before the Court. *See* 18 U.S.C. § 3161(h)(1)(F).

18 IT IS SO ORDERED.

19 Dated:

SUSAN ILLSTON  
UNITED STATES DISTRICT JUDGE